

LOCAL RULE 5.5
PLEADINGS AND FILINGS

(a) The original of all pleadings, motions, and other papers, together with two copies thereof, shall be filed with the Clerk. All pleadings, motions, and other papers shall be typewritten, photocopied, mimeographed, or printed in type not less than elite, in double space, letter size, using only one side of the page, and shall be filed by the Clerk unfolded and without manuscript covers. Attorneys shall take notice of case numbers assigned to each case and shall note such numbers upon all pleadings, orders, and judgments.

(b) Pleadings, motions, and other papers are to be filed as follows:

(1) In the Eastern District, the Clerk maintains staffed offices at Little Rock and Jonesboro. In the Western District, the Clerk maintains offices at Fort Smith, Fayetteville, El Dorado, Texarkana, and Hot Springs. In civil matters, pleadings, motions, and other papers should be filed in the office of the Clerk designated in Local Rule 77.1 for the division in which the case is pending, but when a Clerk is unavailable, they may be filed in any office of the Clerk in the appropriate district.

~~(2) Criminal matters in the Eastern District. All pleadings, motions, and other papers in all criminal matters are to be filed in Little Rock.~~

~~(3)~~(2) Criminal matters in the Western District. All pleadings, motions and other papers in criminal matters in the Harrison Division shall be filed in Fayetteville. Otherwise, all pleadings, motions, and other papers in criminal matters for a particular division are to be filed in that division.

(c) (1) Parties represented by counsel. Every pleading, motion, or other paper (except a pro se motion to discharge an attorney) filed in behalf of a party

represented by counsel shall be signed by at least one attorney of record in his or her individual name, and the attorney's address, zip code, and telephone number, and Arkansas Supreme Court identification number, or other Supreme Court identification number, if applicable, shall be stated. It is the duty of each attorney to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address.

(2) Parties appearing *pro se*. It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a *pro se* plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.

(d) At the time of filing a civil action, the plaintiff shall complete and submit a cover sheet statement on Federal Form No. JS44.

(e) A party who moves to amend a pleading shall attach a copy of the amendment to the motion. The motion must contain a concise statement setting out what exactly is being amended in the new pleading – e.g. added defendant X, adding a claim for X, corrected spelling. Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, must, except by leave of Court, reproduce the entire pleading as amended, and may not incorporate any prior pleading by reference. The party amending shall file the original of the amended pleading

within seven (7) days of the entry of the order granting leave to amend unless otherwise ordered by the Court. The requirements for amending pleadings set forth in this subsection of Rule 5.5 shall not apply to parties proceeding *pro se*.

(f) Proposed findings of fact and conclusions of law, trial briefs, and proposed jury instructions shall be submitted to the judge to whom the case is assigned, with copies served upon all other parties.

(a)(b) and (d) Adopted and effective May 1, 1980

(c) Adopted and effective March 14, 1984

(e) Adopted and effective July 16, 1980

(f) through (j) Adopted and effective June 26, 1981

Amended October 27, 1986

Amended July 1, 1988

Amended January 2, 1990

Amended and effective December 1, 2000

Amended and effective April 30, 2007

(b) and (c) Amended and effective September 20, 2007

Amended December 7, 2016

Amended [Date]

LOCAL RULE 77.1

**LOCATION AND OFFICE HOURS OF CLERKS' OFFICES,
AND DESIGNATION OF FILING OFFICES**

EASTERN DISTRICT OF ARKANSAS

<u>Division</u>	<u>Court Held</u>	<u>Office Hours</u>	<u>Filing Office</u>	<u>Telephone</u>
Eastern <u>Delta</u>	Helena	Unstaffed	600 West Capitol Ave., Room A-149 Little Rock, AR 72201	870-338-6321
Western <u>Central</u>	Little Rock	8:00 - 5:00	600 West Capitol Ave., Room A-149 Little Rock, AR 72201	501-604-5351
Northern	TBD	Unstaffed	600 West Capitol Ave., Room A-149 Little Rock, AR 72201	501-604-5351
Pine Bluff	TBD	Unstaffed	600 West Capitol Ave., Room A-149 Little Rock, AR 72201	501-604-5351
Jonesboro <u>Northern</u>	Jonesboro*	8:00 - Noon 1:00 - 5:00	615 South Main St., Room 312 Jonesboro, AR 72401	870-972-4610

WESTERN DISTRICT OF ARKANSAS

<u>Division</u>	<u>Court Held</u>	<u>Office Hours</u>	<u>Filing Office</u>	<u>Telephone</u>
Fort Smith	Fort Smith	8:00 - 5:00	P. O. Box 1547 Fort Smith, AR 72902-1547	479-783-6833
Harrison	Harrison	Unstaffed	34 East Mountain, Room 510 Fayetteville, AR 72702-5354	479-521-6980
Texarkana	Texarkana	8:00 - Noon 12:30 - 4:30	500 North State Line Ave., Room 302 Texarkana, AR 71854-5961	870-773-3381
El Dorado	El Dorado	8:00 - Noon 12:30 - 4:30	101 South Jackson Ave., Room 205 El Dorado, AR 71730-6133	870-862-1202
Fayetteville	Fayetteville	8:00 - 5:00	35 East Mountain, Room 510 Fayetteville, AR 72702-5354	479-521-6980
Hot Springs	Hot Springs	8:00 - Noon 12:30 - 4:30	100 Reserve St., Room 347 Hot Springs, AR 71901-4141	501-623-6411

*All Clerks' offices are closed for legal holidays (see Fed.R.Civ.P.77(c)). The offices noted by an asterisk may be temporarily closed for vacations or due to unexpected absences.

Amended July 1, 1988

Amended effective April 15, 1989

Amended effective November 10, 2009

Local Rules of the United States District Court for the Eastern and Western Districts of Arkansas

Amended effective August 5, 2010

Amended effective July 25, 2017

Amended effective [Date]

LOCAL RULE 83.6
ASSESSMENT FOR OUT-OF-POCKET EXPENSES

COLLECTION OF BIENNIAL ASSESSMENT SUSPENDED UNTIL FURTHER NOTICE

Rule XI(A) of the Appendix to these rules is hereby amended as follows:

- (1) The \$5.00 assessment fee authorized in Rule XI(A) may be used to establish a "Library Fund" to reimburse attorneys for out-of-pocket expenses when the attorney has been appointed under Title 28, United States Code, Section 1915. These funds shall be used to pay only those expenses where no funds are available from other sources to cover the out-of-pocket expenses.
- (2) It shall be the sole discretion of the judges if the fund collected shall be deposited to the "Appendix Rule XI(A) Fund" or to the "Library Fund." There will be a separate "Library Fund" maintained for the Eastern and Western Districts of Arkansas. Funds will be divided between the districts following each assessment. The manner for deciding the division of funds will be based upon the residence of attorneys in the court's database. Additional funds may be transferred from one district to another based upon the demonstration of need. Those fees which have been heretofore collected pursuant to Rule XI(A) of the Appendix have been deposited to the "Appendix Rule XI(A) Fund" and shall remain so deposited in an interest-bearing account, to be used exclusively for the payment of costs incurred in attorney discipline matters.
- (3) Until otherwise ordered by the Court, the Clerk for the Eastern District of Arkansas shall collect the \$5.00 assessment fee from attorneys and deposit it into an interest-bearing checking account for the reimbursement of unusual expenses of appointed attorneys in actions where counsel was appointed under 28 U.S.C. Sec. 1915, or for transfer to the "Library Fund" for the Western District of Arkansas.

(4) CUSTODIAN.

The custodian of the “Appendix Rule XI(A) Fund” shall be the Clerk for the Eastern District of Arkansas. The custodians of the “Library Fund” shall be the Clerk for each respective district, whose responsibilities shall be those set out in the Accounting Standards established by these courts. A copy of the Accounting Standards shall be maintained on file in the Clerk's office in each district.

(5) APPLICATION AND DISBURSEMENT.

(a) Application. Application for disbursement from this fund shall be made in accordance with the policies and guidelines (which is Exhibit A to this Rule) established by these courts. The application will contain the information prescribed in paragraph 3 of policy guidelines.

(b) Disbursement. The custodians of the “Library Fund” shall make disbursement from the respective Funds in accordance with the policies and guidelines (Exhibit A) established by these courts. Disbursement shall be made only upon order of the proper court in the form attached hereto as Exhibit B.

(6) All other provisions pertaining to the collection of this fee pursuant to Rule XI(A) of the Appendix are made applicable to the collection of the fee for the “Library Fund.”

(7) CRITERIA FOR OTHER USES FOR THE FUND.

When the “Library Fund” or the “Appendix Rule XI(A) Fund” exceeds \$50,000.00, the portion in each fund in excess of that figure may be used, to the extent specifically authorized by the Court for the advancement of the courts of the United States, the legal profession, jurisprudence, or other aspects of the systems of justice in the United States. Upon the approval of a majority of the judges from the district holding the funds, an order may be entered on behalf

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of the Courts by the Chief District Judge directing the Clerk of Court to disburse such excess funds for such purposes.

Adopted and effective July 1, 1985

(7) Amended and approved November 8, 1990

Amended and approved April 30, 2007

Amended (Exhibit B only) [date].

EXHIBIT A
TO
LOCAL RULE 83.6
REIMBURSEMENT OF OUT-OF-POCKET EXPENSES OF APPOINTED COUNSEL
POLICY GUIDELINES

This Court has determined that monies derived from the annual fees paid by attorneys admitted to practice before this Court may be used to reimburse attorneys appointed pursuant to 28 U.S.C. Sec. 1915 for out-of-pocket expenses and to pay any court-appointed experts when necessary. With respect to these purposes, the following guidelines are established:

(1) The Clerk of Court for each respective district shall monitor the fund and make a written report of the use of the fund and the fund balance to the Judges and Magistrate Judges of their district by the fourteenth day in each month.

(2) Before an attorney expends an amount above \$500.00, for which that attorney intends to seek reimbursement from the fund, written approval must be obtained from a District Court Judge or a Magistrate Judge.

(3) Before any single expenditure from the fund in excess of \$500.00 is authorized, or approval of a request by an attorney to expend in excess of \$500.00, the District Court Judge or Magistrate Judge shall inquire of the Clerk of Court for the respective district as to the impact of that expenditure on the fund.

(4) All requests by attorneys for disbursements or requests for approval of expenditures shall be by written application, containing the following information:

- (a) The date of the application;
- (b) The caption of the cause of action;

- (c) The name and address of the attorney requesting the disbursement or approval of expenditure;
- (d) A detailed itemization of all costs and expenses for which the disbursement or expenditure is requested; and
- (e) A brief explanation of how the requested disbursement or expenditure complies with the guidelines and policies established by the Court for disbursements from the fund.

(5) All disbursements, pursuant to requests by attorneys, from the fund shall be made only by order of a United States District Judge or a United States Magistrate Judge in the form attached as Exhibit B.

EXHIBIT B
TO
LOCAL RULE 83.6

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
~~WESTERN-CENTRAL~~ DIVISION

_____)	
Plaintiff)	
v.)	
_____)	
Defendant)	Case No. _____

ORDER

Pending before the Court is the Application of _____ [Date] by _____ [Attorney] _____ for the reimbursement of out-of-pocket expenses. Having considered the application pursuant to the guidelines and policies of the Library Fund, the Court orders that the Clerk of the Court disburse money from the Library Fund in the amount of _____ (\$_____) and distribute it to the named applicant. A copy of this Order, together with the application, shall be placed in the Library Fund file maintained by the Clerk of the Court.

IT IS SO ORDERED this _____ day of _____, 20_____.

UNITED STATES DISTRICT JUDGE OR
UNITED STATES MAGISTRATE JUDGE

Revised and effective January 1-2, 1988
Revised and effective April 30, 2007